

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TESSA KNOX, :

Plaintiff, :

-against- :

17 Civ. 772 (GWG)

JOHN VARVATOS ENTERPRISES, INC., :

ECF Case

Defendant. :

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DECLARATION OF RICHARD WEISS IN OPPOSITION TO  
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

RICHARD WEISS hereby declares pursuant to 28 U.S.C. § 1746:

1. I am a member of the bar of this Court and an associate at the law firm of Dunnegan & Scileppi LLC ("D&S"), attorneys for the plaintiff Tessa Knox ("Knox"), the 13 opt-in plaintiffs and the class that the Court certified in an order entered February 21, 2018.

2. I am making this declaration in opposition to the motion for summary judgment of defendant John Varvatos Enterprises, Inc. ("JV") based upon my personal knowledge. I would testify to the facts set forth below if called as a witness.

Depositions

3. Attached as Exhibit A are excerpts of the transcript of the deposition of opt-in plaintiff Pamela Kassen ("Kassen"), taken pursuant to FRCP 30(b)(1), on April 16, 2018.

4. Attached as Exhibit B is the transcript of the deposition of opt-in plaintiff Laurentina Chaparro ("Chaparro"), taken pursuant to FRCP 30(b)(1), on April 17, 2018.

5. Attached as Exhibit C is the transcript of the deposition of opt-in plaintiff Joy Fusaro (“Fusaro”), taken pursuant to FRCP 30(b)(1), on April 18, 2018.

Documents JV Produced in this Action

6. Attached as Exhibit D are documents JV produced in this action stamped JVE-002086-2191.

Documents Knox Produced in this Action

7. Attached as Exhibit E are documents Knox produced in this action stamped Knox000138-42.

8. Attached as Exhibit F are redacted documents Knox produced in this action stamped Knox000216-228.

Publicly Available Documents

9. Attached as Exhibit G are screenshots D&S made from JV’s website showing the prices of shirts, jackets, and pants.

Interrogatory Responses of Opt-In Plaintiffs

10. Attached as Exhibit H is a copy of Chaparro’s responses to the interrogatories of JV, dated March 19, 2018.

11. Attached as Exhibit I is a copy of Fusaro’s responses to the interrogatories of JV, dated March 19, 2018.

12. Attached as Exhibit J is a copy of opt-in plaintiff Margret Holcomb’s responses to the interrogatories of JV, dated March 19, 2018.

13. Attached as Exhibit K is a copy of Kassen’s responses to the interrogatories of JV, dated March 19, 2018.

14. Attached as Exhibit L is a copy of opt-in plaintiff Tripti Pandey's responses to the interrogatories of JV, dated March 19, 2018.

15. Attached as Exhibit M is a copy of opt-in plaintiff Wijdan Shoubaki's responses to the interrogatories of JV, dated March 19, 2018.

16. Attached as Exhibit N is a copy of opt-in plaintiff Christina Torres's responses to the interrogatories of JV, dated March 19, 2018.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 13th day of June 2018 in New York, New York.

  
Richard Weiss